

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **February 14, 2006**

AGENDA ITEM NO.: 4

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **CONDITIONAL USE PERMIT (CUP): To amend the existing Master Campus Plan for Heritage Baptist Church at 219 Breezewood Drive.**

RECOMMENDATION: Approval of the requested conditional use permit petition.

SUMMARY: Heritage Baptist Church is petitioning for a conditional use permit to amend the existing Master Campus Plan for their property at 219 Breezewood Drive. The petitioner proposes the following amendments to the plan: (1) show all existing parking, including the parking lot that was added in 2004, (2) show the access aisle that will encompass the proposed auditorium (for fire access), (3) request to remove the existing seventy-five (75) foot landscape buffer along Breezewood Drive in front of the proposed auditorium for grading purposes and to replant a new vegetative screening in its place, (4) request to change the original two hundred (200) foot building setback for the auditorium to a one hundred ninety (190) foot setback (the church is also requesting permission to construct a portico within the proposed one hundred ninety (190) foot setback that will allow for a covered drop off for pedestrians) (5) request to increase the seating capacity of the future main sanctuary to three thousand (3000) and (6) request that the construction of the interim auditorium be allowed to start independently of the proposed Breezewood Drive extension. The Planning Commission recommended approval of the conditional use permit because:

- The petition agrees with the Comprehensive Plan which recommends a combination of Institutional and Community Commercial uses in this area.
- Petition agrees with the Zoning Ordinance in that churches and other places of worship, including parish houses and educational buildings are permitted by a Conditional Use Permit approved by City Council in R-3 Medium Density Two-Family Residential and R-4 Medium-High Density Multi-Family Residential districts.
- Petition proposes six (6) amendments to the existing Master Campus Plan for Heritage Baptist Church.

PRIOR ACTION(S):

January 25, 2006:

Planning Division recommended approval of the conditional use permit. Planning Commission recommended approval (6-0, with 1 member absent, Flint) with the following conditions:

1. The property shall be developed in substantial compliance with the site plan titled "Master Plan for Heritage Baptist Church" prepared by Hurt & Proffitt dated December 28, 2005 and stamped received January 20, 2006.
2. The "Tower" and "Future Tower" identified on the master plan shall be sculpture or similar monument structures, rather than communication or broadcast towers. Design, height and size of the monuments are subject to the review of the City Planner.
3. All development associated with the construction of buildings within seven hundred (700) feet of Breezewood Drive shall be subject to the requirements of the Scenic Corridor Overlay District.
4. Final site plan approval and permitting of the interim sanctuary is not dependent on the construction of the Breezewood Drive extension provided

alignment remains as indicated on the site plan dated December 28, 2005 and received January 20, 2006.

5. The construction of the future main sanctuary shall not be permitted until the Breezewood Drive extension is constructed and open.
6. All lighting associated with the development shall be glare shielded and non directional to prevent illumination across the property lines.
7. All required landscaping and buffering plants shall be a minimum of six (6) feet in height at time of planting, or shall meet such landscaping requirements as exist at the time of construction of each phase.
8. Along the property line of all adjacent residentially zoned properties north and east of existing Breezewood Drive and the proposed extension, existing trees shall be retained. If the petitioner can demonstrate that this area requires grading the petitioner shall reforest these areas with a mixture of deciduous and evergreen trees at the rate of one hundred (100) trees per acre.

FISCAL IMPACT: N/A

CONTACT(S):

Rachel Flynn/ 455-3902

Tom Martin/ 455-3909

ATTACHMENT(S):

- Ordinance
- PC Report
- PC Minutes
- Vicinity Zoning Pattern
- Vicinity Proposed Land Use
- Site Plan
- Speaker Sign-Up sheet

REVIEWED BY: lkp

RESOLUTION

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO HERITAGE BAPTIST CHURCH TO AMEND THE EXISTING MASTER CAMPUS PLAN FOR THE EXISTING COMPLEX AT 219 BREEZEWOOD.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Heritage Baptist Church for a Conditional Use Permit amending the Master Campus Plan for the existing complex at 219 Breezewood Drive be, and the same is hereby approved, subject to the following conditions:

1. The property shall be developed in substantial compliance with the site plan titled "Master Plan for Heritage Baptist Church" prepared by Hurt & Proffitt dated December 28, 2005 and stamped received January 20, 2006.
2. The "Tower" and "Future Tower" identified on the master plan shall be sculpture or similar monument structures, rather than communication or broadcast towers. Design, height and size of the monuments are subject to the review of the City Planner.
3. All development associated with the construction of buildings within seven hundred (700) feet of Breezewood Drive shall be subject to the requirements of the Scenic Corridor Overlay District.
4. Final site plan approval and permitting of the interim sanctuary is not dependent on the construction of the Breezewood Drive extension provided alignment remains as indicated on the site plan dated December 28, 2005 and received January 20, 2006.
5. The construction of the future main sanctuary shall not be permitted until the Breezewood Drive extension is constructed and open.
6. All lighting associated with the development shall be glare shielded and non directional to prevent illumination across the property lines.
7. All required landscaping and buffering plants shall be a minimum of six (6) feet in height at time of planting, or shall meet such landscaping requirements as exist at the time of construction of each phase.
8. Along the property line of all adjacent residentially zoned properties north and east of existing Breezewood Drive and the proposed extension, existing trees shall be retained. If the petitioner can demonstrate that this area requires grading the petitioner shall reforest these areas with a mixture of deciduous and evergreen trees at the rate of one hundred (100) trees per acre.

Adopted:

Certified:

Clerk of Council

014L

The Department of Community Planning & Development
City Hall, Lynchburg, VA 24504 **434-455-3900**

To: Planning Commission
From: Planning Division
Date: January 25, 2006
Re: **CONDITIONAL USE PERMIT (CUP): Heritage Baptist Church, Amendment of Master Development Plan, 219 Breezewood Drive.**

I. PETITIONER

Heritage Baptist Church, 219 Breezewood Drive, Lynchburg, VA 24502

Representative: Jim Vernon, Craddock Cunningham Architectural Partners, 10 9th Street, Lynchburg, VA 24504

II. LOCATION

The subject properties include four (4) tracts of approximately forty four (44) acres located at 219 Breezewood Drive.

Property Owners: Heritage Baptist Church, 219 Breezewood Drive, Lynchburg, VA 24502

III. PURPOSE

To amend the existing Master Campus Plan for the existing Heritage Baptist Church complex at 219 Breezewood Drive. The petitioner proposes the following amendments to the plan: (1) show all existing parking, including the parking lot that was added in 2004, (2) show the access aisle that will encompass the proposed auditorium (for fire access), (3) request to remove the existing seventy-five (75) foot landscape buffer along Breezewood Drive in front of the proposed auditorium for grading purposes and to replant a new vegetative screening in its place, (4) request to change the original two hundred (200) foot building setback for the auditorium to a one hundred ninety (190) foot setback (the church is also requesting to construct a portico within the proposed one hundred ninety (190) foot setback that will allow for a covered drop off for pedestrians) (5) request to increase the seating capacity of the future main sanctuary to three thousand (3000) and (6) to request that the construction of the interim auditorium be allowed to start independently of the proposed Breezewood Drive extension.

IV. SUMMARY

- Petition agrees with the Comprehensive Plan which recommends a combination of Institutional and Community Commercial uses in this area.
- Petition agrees with the Zoning Ordinance in that churches and other places of worship, including parish houses and educational buildings are permitted by a Conditional Use Permit approved by City Council in R-3 Medium Density Two-Family Residential and R-4 Medium-High Density Multi-Family Residential districts.
- Petition proposes six (6) amendments to the existing Master Development Plan for Heritage Baptist Church.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends Institutional and Community Commercial uses for the subject properties. Institutional uses are the religious, educational and other non-profit entities in the City. Examples include churches, cemeteries, private schools and universities, private nonprofit hospitals, service clubs and organizations and other nonprofit institutions. Community Commercial areas contain retail, personal service, entertainment and restaurant uses that draw customers from at least several neighborhoods up to the entire City. **(5.3)**

The Future Land Use Map [FLUM] is not intended to be parcel specific. Given existing zoning and adjacent land use patterns in the area, the proposed expansion of the adjacent institutional use is suitable on the property.

2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-3, Medium Density Two-Family Residential District and R-4, Medium High Density Multi-Family Residential District zoning was established in 1978 with the adoption of the current *Zoning Ordinance*. The petitioner is requesting a conditional use permit to allow the revision to the existing master plan for the church.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the proposed building.
4. **Surrounding Area.** The following items have required City Council approval in the immediate area.
 - On September 14, 2004, City Council approved Heritage Baptist Church's CUP petition to expand an existing parking lot at 239 and 329 Breezewood Drive.
 - On April 25, 2000, City Council approved Uel C. Hartless's petition to conditionally rezone five and three-tenths (5.3) acres at 310-324 Breezewood Drive and 100-104 Hartless Lane from an R-3, Medium Density Two-Family Residential District to an R-4C, Medium High Density Multi-Family Residential District (Conditional) to allow the conversion of existing structures and construction of a new apartment building to create 38 residential units.
 - On April 13, 1999, City Council approved Heritage Baptist Church's CUP petition to amend their master development plan and allow an addition to their multi-purpose building at 219 Breezewood Drive.
 - On February 9, 1999, City Council approved Richlyn LLC's petition to conditionally rezone twelve (12) acres off Breezewood Drive from R-1, Low-Density Single Family Residential District to R-3(C), Medium Density Two-Family Residential District (Conditional) and three (3) acres from R-1, Low-Density Single Family Residential District to R-4(C), Medium High Density Multi-Family Residential District (Conditional). City Council subsequently approved Richlyn LLC's CUP petition to develop forty-three (43) acres at the terminus of Breezewood Drive for about seventy-four (74) single-family attached units (townhouses), two hundred and sixty-two (262) apartments and eighty (80) elderly housing units as a Planned Unit Development in an R-C, Resource Conservation District, an R-1, Low-Density Single Family Residential District, an R-3(C), Medium Density Two-Family Residential District (Conditional) and an R-4(c), Medium High Density Multi-Family Residential District (Conditional).
 - On October 13, 1998, City Council approved Pavilion Development's CUP petition to allow the construction of a single-bay car wash next to the existing food court building at 2625 Lakeside Drive.
 - On June 9, 1998, City Council approved Southern Air's petition to conditionally rezone seven (7) acres at 2655 Lakeside Drive from R-4, Multi-Family Residential District to B-5C, General Business District (Conditional) to allow expansion of an outdoor storage area.
 - On May 12, 1998, City Council approved Heritage Baptist Church's CUP petition to amend their master development plan and allow additional buildings as well as a revised layout at 219 Breezewood Drive.
 - On October 11, 1994, City Council approved Blue Ridge Development Corporation's petition to conditionally rezone five and one half (5.5) acres at 126 Breezewood Drive from R-3, Medium Density Two-Family Residential District to B-1(C), Limited Business District (Conditional) to allow the construction of a funeral home with approximately one hundred (100) parking spaces.

- On August 24, 1994, Bill L. and Alloria M. Jamerson submitted and subsequently withdrew a CUP petition prior to the City Council hearing. The project proposed to allow an adult care facility for nineteen (19) residents in an existing house.
- On April 12, 1994, City Council approved Heritage Baptist Church's CUP petition to amend their master development plan and allow additional classroom space as well as an enclosed hall at 219 Breezewood Drive.
- On October 12, 1993, City Council approved Heritage Baptist Church's CUP petition to amend their master development plan and allow two additional classroom trailers at 219 Breezewood Drive.
- On February 9, 1993, City Council approved Heritage Baptist Church's CUP petition to allow expansion of the existing church complex at 219 Breezewood Drive.
- On October 13, 1992, City Council rezoned properties along Graves Mill Road and Lakeside Drive from I-3, Heavy Industrial District to B-3, Community Business District as part of the Graves Mill Road/ US 221 Area Land Use Study - Growth Management Program – May 11, 1992 to promote economic vitality, convenience, general welfare and good zoning practice.
- On September 8, 1992, City Council approved New Covenant School's CUP petition to use existing facilities at 512 Breezewood Drive for a K-8 school for up to fifteen (15) students
- On January 14, 1992, City Council approved Heritage Baptist Church's CUP petition to allow for the use of a modular classroom and expansion of a parking area at 219 Breezewood Drive.
- On July 10, 1990, City Council approved Heritage Baptist Church's CUP petition to allow for the construction of a classroom building at 219 Breezewood Drive.
- On December 8, 1987, City Council approved Heritage Baptist Church's CUP petition to allow for the construction of a multi-purpose building and additional parking at 219 Breezewood Drive.
- On May 14, 1985, City Council approved Heritage Baptist Church's CUP petition to allow for an educational wing and offices at 219 Breezewood Drive.
- On May 10, 1983, City Council approved Heritage Baptist Church's Temporary CUP petition for a tent revival at 219 Breezewood Drive.
- On February 12, 1980, City Council approved the Church of God's CUP petition for the construction of a church at 512 Breezewood Drive.

5. **Site Description.** The subject properties include four (4) tracts of approximately forty-four (44) acres that includes an existing chapel, multi-purpose building, parking and two single-family residences; the balance of the property is currently undeveloped. The site is bounded to the north by a combination of commercial salvage and restaurant uses as well as single family residences and a mobile home park, to the east by the Lynchburg Express way and a commercial funeral home, to the south by a combination of attached single-family and multi-family units and to the west by a combination of single family residential, commercial vehicle sales and storage as well as commercial manufacturing facilities.
6. **Proposed Use of Property.** The purpose of the CUP and proposed use of the property is as follows: To amend the existing Master Campus Plan for the existing Heritage Baptist Church complex at 219 Breezewood Drive. The petitioner proposes the following amendments to the plan: (1) show all existing parking, including the parking lot that was added in 2004, (2) show the access aisle that will encompass the proposed auditorium (for fire access), (3) request to remove the existing seventy-five (75) foot landscape buffer along Breezewood Drive in front of the proposed auditorium for grading purposes and to replant a new vegetative screening in its place, (4) request to change the original two hundred (200) foot building setback for the auditorium to a one hundred ninety (190) foot setback (the church is also requesting to construct a portico within

the proposed one hundred ninety (190) foot setback that will allow for a covered drop off for pedestrians) (5) request to increase the seating capacity of the future main sanctuary to three thousand (3000) and (6) to request that the construction of the interim auditorium be allowed to start independently of the proposed Breezewood Drive extension.

7. **Traffic and Parking.** Condition number six (6) of the Conditional Use Permit approved for Heritage Baptist Church on April 13, 1999 states that "the seating of the existing sanctuary may be expanded within the existing walls, for construction completed prior to March of 1999. However, before the construction of any sanctuary additions or expansions of a new sanctuary is begun, the new proposed Breezewood Drive connection to Lakeside Drive must be under construction. The Church shall keep the City advised of its plans for the construction of a new or expanded sanctuary in order that the City can coordinate the simultaneous construction of the street project." This condition was placed on the CUP due to the amount of traffic generated by the Church and the existing inadequate, unsafe intersection of Breezewood Drive with the Lynchburg Expressway.

The petitioner is requesting to amend this condition so that the construction of an interim fifteen hundred (1500) seat auditorium can begin independently of the construction of the Breezewood Drive extension. The extension is currently funded and is in the design phase. It is scheduled to be advertised with bids accepted in March 2007. An anticipated construction of one (1) year is expected. If the current alignment of the Breezewood Drive extension is maintained as indicated on the submitted site plan and as being designed the road should open in March 2008. Any alterations in the alignment would result in an increase to the cost of the extension and a delay in opening. As proposed the opening of the road and the interim sanctuary should coincide with one another.

Section 35.1-25, Off Street Loading and Parking of the Zoning Ordinance requires that one (1) parking space be provided for every three (3) fixed seats in the sanctuary. Since the interim auditorium will be used as a sanctuary five hundred (500) parking spaces will be required. The preliminary site plan submitted by the petitioner indicates that six hundred ninety-seven (697) parking spaces will be provided. Parking for future expansions of the Church is indicated on the submitted site plan and will be adequate to meet Zoning Ordinance requirements.

8. **Storm Water Management.** The proposed Master Campus Plan projects the ultimate build out of the property with new impervious areas exceeding 1,000 square feet; as such, a stormwater management plan will be required for the construction. Stormwater runoff from the site will be detained by the large detention pond that is proposed with construction of the Auditorium. The pond will also used as an amphitheater for the church which will also aid in ensuring that the pond will be adequately mowed and maintained as the facility will be used for public gathering. The pond will be large enough to detain for all of the proposed and future parking, roadways, access aisle and buildings proposed as shown on the Master Plan for all construction shown on the eastern side of the existing creek. Any construction on the western side of the creek will require additional routings of the main amphitheater pond or an additional stormwater management basin. The ultimate receiving channel for the entire site is the creek that runs through the middle of the site. The proposed detention facility will outlet through a culvert a drain into the creek at the exact same location that a current culvert discharges into the creek. Preliminary Engineering analysis shows that the creek is an adequate receiving channel as there will actually be a decrease in stormwater runoff from the site as a result of the proposed detention facility.

The stormwater runoff for the site will be treated for quality through mechanical measures as there is not enough room on the site for above ground BMP's. The preferred method would be through either snout inserts or through the Vortsentry mechanical devices for manhole inserts. Each site plan for the proposed and future expansions will have the specifics as to each water quality measure. The proposed storm system for the Auditorium addition will have Vortsentry water quality measures in the terminal manhole before discharging to the pond. The bottom of the pond will also have a flat vegetated (grass) swale to aid in additional water quality treatment. In

addition, the parking lot will have grass islands and grass buffer strips to aid in slowing and cleaning the runoff from the parking lot before the runoff enters the storm system.

9. **Emergency Services.** The City's Fire Marshal had no comments on the proposed Master Plan Amendment.

The City Police Department's South Division had no comments on the proposed Master Plan Amendment.

10. **Impact.** The proposed Master Campus Plan as a whole will have significant impacts on the surrounding neighborhood. Although the majority of the proposed Auditorium building foot print lies within the Scenic Corridor Overlay District, the Future Main Sanctuary is not required to meet the same standards, even though the buildings are shown to be connected. Staff recommends that the development associated with the Future Main Sanctuary meet the requirements of the Scenic Corridor Overlay District. In addition, staff recommends that a condition be added to the petition clarifying that the two "towers" shown on the site plan are sculpture or similar monument structures, rather than communication or broadcast towers.

Stormwater runoff from the site will be detained by the large detention pond that is proposed with construction of the Auditorium. The pond will also be used as an amphitheater for the church which will also aid in ensuring that the pond will be adequately mowed and maintained as the facility will be used for public gathering. The pond will be large enough to detain for all of the proposed and future parking, roadways, access aisle and buildings proposed as shown on the Master Plan for all construction shown on the eastern side of the existing creek. Any construction on the western side of the creek will require additional routings of the main amphitheater pond or an additional stormwater management basin. The ultimate receiving channel for the entire site is the creek that runs through the middle of the site. The proposed detention facility will outlet through a culvert a drain into the creek at the exact same location that a current culvert discharges into the creek. Preliminary Engineering analysis shows that the creek is an adequate receiving channel as there will actually be a decrease in stormwater runoff from the site as a result of the proposed detention facility. The stormwater runoff for the site will be treated for quality through mechanical measures as there is not enough room on the site for above ground BMP's. In addition, the parking lot will have grass islands and grass buffer strips to aid in slowing and cleaning the runoff from the parking lot before the runoff enters the storm system.

Neither the City's Fire Marshal nor the Police Department's South Division had any comments on the proposed Master Plan Amendment.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on Tuesday, December 8th, 2005. Comments related to the proposed building have or will be addressed by the developer prior to final site plan approval.
12. **Conditions.** According to Section 35.1-15 (f) of the Zoning Ordinance, the Planning Commission or City Council may impose any conditions deemed necessary or appropriate in approving a CUP.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to the City Council approval of the Heritage Baptist Church's petition to amend their existing Master Campus Plan, subject to the following conditions:

1. The property shall be developed in substantial compliance with the site plan titled "Master Plan for Heritage Baptist Church" prepared by Hurt & Proffitt dated December 28, 2005 and stamped received January 20, 2006.

2. The "Tower" and "Future Tower" identified on the master plan shall be sculpture or similar monument structures, rather than communication or broadcast towers. Design, height and size of the monuments are subject to the review of the City Planner.
3. All development associated with the construction of buildings within seven hundred (700) feet of Breezewood Drive shall be subject to the requirements of the Scenic Corridor Overlay District.
4. Final site plan approval and permitting of the interim sanctuary is not dependent on the construction of the Breezewood Drive extension provided alignment remains as indicated on the site plan dated December 28, 2005 and received January 20, 2006.
5. The construction of the future main sanctuary shall not be permitted until the Breezewood Drive extension is constructed and open.
6. All lighting associated with the development shall be glare shielded and non directional to prevent illumination across the property lines.
7. All required landscaping and buffering plants shall be a minimum of six (6) feet in height at time of planting, or shall meet such landscaping requirements as exist at the time of construction of each phase.
8. Along the property line of all adjacent residentially zoned properties north and east of existing Breezewood Drive and the proposed extension, existing trees shall be retained. If the petitioner can demonstrate that this area requires grading the petitioner shall reforest these areas with a mixture of deciduous and evergreen trees at the rate of one hundred (100) trees per acre.

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. R. Douglas Dejarrette, Fire Marshal
Mr. J. Lee Newland, Director of Engineering
Lt. Danny R. Marks, Lynchburg Police Department Field Operations Bureau
Capt. Todd Swisher, Lynchburg Police Department North Division
Capt. J.P. Stokes, Lynchburg Police Department East Division
Capt. Al Thomas, Lynchburg Police Department South Division
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Keith Wright, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Ms. Erin B. Hawkins, Environmental Planner
Mr. Jim Vernon, Representative

VII. ATTACHMENTS

1. **Vicinity Zoning Pattern**
(see attached map)

2. Vicinity Proposed Land Use

(see attached map)

3. Site Plan

(see attached site plans)

MINUTES FROM THE JANUARY 25, 2006 PLANNING COMMISSION MEETING

Petition of Heritage Baptist Church for a conditional use permit at 201 & 219 Breezewood Drive to amend the previously approved Master Development Plan and the previously approved condition related to the timing of the Breezewood Drive extension.

Mr. Tom Martin, City Planner, explained to the Commission that the CUP petition proposed to amend the site plan and conditions was originally approved by the City Council on April 13, 1999. He reviewed the proposed changes as follows:

1. Show all existing parking on the Master Plan.
2. Show fire access isle for the proposed auditorium
3. Request to grade and replant within 75' landscape buffer adjacent to existing Breezewood Drive.
4. Change the building setback to 190' instead of the original 200'.
5. Increase the seating capacity of the future main sanctuary from 1500 to 3000 seats.
6. Request that construction of the interim auditorium be allowed to start independently of the proposed Breezewood Drive extension as has been conditioned since February 9, 1993.

Of the proposed changes, he continued, the most significant were doubling the seating capacity of the future main sanctuary and allowing the construction of the interim auditorium to start independently of construction for the Breezewood Drive extension. Mr. Martin said that the design of the Breezewood Drive extension was currently underway for an alignment as indicated on the submitted site plan. He added that this project was funded and it was anticipated that construction would be completed by March 2008. He noted that any changes to the alignment would result in the road needing to be redesigned and would cause a delay in construction. As proposed, he said, the opening of the road and the interim sanctuary should coincide with one another. Mr. Martin said that parking for the interim sanctuary would be provided, and there was adequate space on site for future parking needs associated with the future main sanctuary. He said while the petitioner did not have a projected time schedule for the future main sanctuary, it did further justify the need for the Breezewood Drive extension. When the Breezewood Drive extension opens, he added, two things would happen - first, and most importantly, all traffic in the area would be able to get out at a light on Lakeside Drive, and second, the existing entrance to Breezewood Drive would be changed to right in and right out, greatly improving traffic conditions in that area.

Mr. Martin explained that stormwater management would be handled by the use of two (2) detention ponds, one currently existing, with the second being constructed as an amphitheatre, which would ensure that the pond was maintained and mowed. He added that water quality would be addressed by mechanical means.

Mr. Martin concluded by saying that the project was in compliance with the City's Comprehensive Plan which recommended a combination of institutional and commercial uses for the subject property, and added that the Planning Division recommended approval of the Master Plan amendment with the conditions outlined in the report.

Commissioner Worthington asked about the future Breezewood Drive.

Mr. Martin responded that the extension of Breezewood Drive had been in the works for several years, and the funding was already in place. He said he thought the City and the Church had finally agreed upon the alignment of the road. He added that the road was currently being designed, and should be thirty (30) percent complete by the end of this month. He said if that date was met, the construction on the road extension should start around March 2007. The construction portion should take approximately one (1) year to complete, Mr. Martin noted. He told the Commission that the Planning Division and the Traffic Engineer were so confident that this road would be extended, they were willing to recommend allowing the Church to change their Master Plan.

Mr. Jim Vernon, Heritage Baptist Church, introduced himself as the representative of the petition and added that Mike Morgan, Hurt & Proffitt, Jerry Kroll, Sr. Pastor, Keith Manual, Administrative Pastor, and Mr. Tommy Scott, Chairman of the Building Committee were also in attendance.

Mr. Vernon told the Commission that nine years ago they drew a rectangle on their Master Plan to indicate the future, interim auditorium and were now ready to build that auditorium. He explained that recently they went to the Technical Review Committee (TRC) meeting and members of the TRC recommended that the church revise their Master Plan. He said their construction drawings were currently being developed, and they were hoping to have an April ground breaking with a construction period of between eighteen (18) and twenty-four (24) months. He added that this schedule coincided with the schedule of the road construction. Mr. Vernon said the Church had been under the "no construction" restriction since 1993, during which time they had seen four hundred (400) or more housing units constructed at the end of the street. He asked to have that restriction removed. He said the Planning Division's report was very thorough, so there was no need to repeat that information, and added that he was available for questions.

Mr. Alvin Thurston Mayberry, 131 Breezewood Drive, voiced his concern with the road construction and the church construction being done simultaneously. Mr. Mayberry said the City should not allow Heritage Baptist Church to do any construction until the road construction was complete.

Commissioner Bacon asked what Breezewood Drive was connecting to, and how much of the road would go over Mr. Mayberry's property.

Mr. Martin said that Mr. Gerry Harter, City Traffic Engineer, was in attendance and could answer questions about the road and its construction.

Mr. Harter addressed the Commission explaining that the road followed the present curve to adjoin the existing Breezewood Drive. He pointed out Mr. Mayberry's property on the site plan and the portion of the property that would be purchased for the road. He said the existing Breezewood Drive connection to the Expressway would remain as is; however, the median on the Expressway would be closed, so the traffic flow would be limited to right-in and right-out only.

Chair Hamilton asked if the property had already been purchased from Mr. Mayberry.

Mr. Harter said he and Mr. Mayberry had had numerous conversations regarding the project. He explained that they were approaching the completion of the thirty (30) percent design of the road, and added that when they received those design plans they would meet again with Mr. Mayberry with more realistic right-of-way requirements. He noted they the thirty (30) percent design plans were due to the City by the end of January.

Commissioner Worthington asked Mr. Mayberry how much land he owned.

Mr. Mayberry responded that he had two and three-fourths ($2\frac{3}{4}$) acres of land.

Mr. Harter said that Breezewood Drive would be several feet closer to Mr. Mayberry's house than what it was currently.

Mr. Mayberry responded that there would be approximately one hundred sixty (165) feet of road frontage along his property. He added that currently his home was sixty-five (65) feet off of the existing Breezewood Drive, and though approximately fifteen (15) feet of his front yard would be taken if they made a cut.

Mr. Harter added that they did not currently know the exact elevation of the road, and noted that the more the bank was cut, then the more of a slope would be needed, and more property would

need to be acquired. He said Mr. Mayberry had been shown a conceptual drawing of the plan, so he had somewhat of an idea of what to expect.

Commissioner Sale asked Mr. Mayberry if his contention was to wait until the road construction was completed before the Church would be allowed to go any further with their Master Plan. He asked Mr. Harter when the plan for the road would be adopted.

Mr. Mayberry confirmed that that was his concern.

Mr. Harter said there was no public hearing process during the thirty (30) percent design phase. He continued by saying that the public hearing process would begin after the sixty (60) percent plan was done, and they would try to get approval for the road alignment during that public hearing process. Mr. Harter said after the public hearing process, the plans would be finalized and formally adopted. He noted that it would probably be spring 2007 before the final plan would be adopted, and bidding for construction would occur afterwards.

Commissioner Sale said with Mr. Mayberry's contention, it would be at best a year from now before any use changes could be made, and commented that Mr. Mayberry just wanted to know more particulars about what was going to happen and feel comfortable with the plan.

Commissioner Bacon asked if the issue was the request to construct the interim auditorium, and if it could be started independently of the Breezewood Road.

Mr. Martin explained that the original condition, approved in 1993, stated that the church could not expand the seating capacity outside of the existing sanctuary walls until the Breezewood Drive extension occurred. He continued by saying that he thought the Church's contention was that since that time, there had been an apartment complex and a funeral home both allowed to be build on Breezewood Drive. He said unless something drastic happened, the alignment of the extension would be what was shown on the site plan, but if the alignment changed, the construction would be delayed. He said that was why the condition of letting them start the alignment remained on the plan.

Commissioner Barnes said the timing of the construction of the road and sanctuary was what was critical. He said if the sanctuary was completed before the Breezewood Drive extension was completed, would the Certificate of Occupancy (CO) for the sanctuary be withheld until the road was done.

Mr. Martin said the CO would not be withheld. He continued by saying that if the sanctuary did open before the completion of the road, they would have to look at interim measures to ensure traffic safety during church services.

Mr. Harter said they already had police control, so it might be that the police control would need to be ramped up on Sunday mornings and Wednesday nights. He said the other idea was to install a temporary signal light at the Breezewood Drive / Expressway intersection, which would be removed when the road was completed. He said they did not want to hold the church up too much longer as the road extension had been on the plans for a very long time.

Commissioner Oglesby asked about the close proximity of the existing light at Lakeside Drive and Old Forest Road to a temporary light at Breezewood Drive.

Mr. Harter said the road would be safer with an additional light, but less efficient.

Commissioner Sale asked if the Church could begin their construction right now and be finished in a year. He asked what the current membership was, and how a six (6) month delay would affect the church.

Mr. Vernon said they were just beginning a funding campaign and were praying for miracles and trusting that God would provide them with the funds they would need to begin construction in the spring.

Reverend Jerry Kroll, Sr. Pastor, said they based their numbers more on attendance than actual membership. He said they had approximately fourteen hundred (1,400) in attendance.

Mr. Vernon explained that they had multiple services each Sunday, so their goal was to get more people in fewer services. He added that the day they open the interim sanctuary, there would not be an additional 1,500 members driving up and down Breezewood Drive. He said he thought that Pastor Kroll would agree that as a church, they were currently being strangled. He said they had over taxed facilities with multiple services, videos set up for overflow resulting in the congregation to be split into different rooms, which did not promote a sense of worship. He said they felt that they had heard enough about the road and would like to be unshackled from the restriction.

Commissioner Worthington asked Mr. Mayberry if he was against the construction as a whole, or was he objecting to the fact that he did not know where road would be construction.

Mr. Mayberry said he objected because all of the construction would be done at the same time all around him. He said if the road was already built, he would not object to the Church's construction. He said when the road was complete, it would make his property a lot more valuable.

Commissioner Oglesby said it would be better if they started the road construction near Lakeside Drive then connected to Breezewood Drive at the end of the project. She added that all of the construction equipment could enter the site from that side and not have to pass by Mr. Mayberry's property through the entire process.

Chair Hamilton said the Commission was only approving the changes to the Master Plan. She asked if the church would have to come back to the Commission for another review.

Mr. Martin said this was the only time the Church would be required to go to a public hearing before the Planning Commission and City Council.

Commissioner Worthington said he was very apathetic to Mr. Mayberry's comments, and added that if this road had been built some time ago, they would not be having these problems today. He said reluctantly, he was in favor of the request, but wished that the thirty (30) percent of the road plan had already been complete.

Commissioner Bacon agreed with Commissioner Worthington. She said that Mr. Mayberry was between a rock and a hard place, but thought that both of these projects would get done sooner rather than later. She said the church had waited long enough to move ahead with their plans.

Commissioner Barnes said he was also in favor of the request. He noted that his only concern was that there were a number of good suggestions for easing the timing of the projects, but none of the suggestions were required. He said maybe some of the suggestions would be followed up on, such as beginning construction at the Lakeside Drive end of the road, which may ease Mr. Mayberry's problems.

Mr. Martin reminded the Commission that the suggestions concerning the road had nothing to do with the Church's request, and added that the City was responsible for building the road. He said that any condition added to the Church's request concerning where or when to build the road would have no effect.

Chair Hamilton asked if they could address the road issues when the Capital Improvement Plan (CIP) came before them.

Mr. Harter said this road had already been funded for construction, so it may not show up on the upcoming CIP. He said most likely the contractor would begin construction at the north end of the project (Lakeside Drive end) and work their way toward the existing Breezewood Drive.

Commissioner Sale commented that the road needed to be built as soon as possible, as did some of the employees of Tharp Funeral Home, when he spoke to them about the petition. He said anything that could be done to speed the process would be helpful, and added his approval of the project.

Commissioner Oglesby said she was in favor of the petition, and added that it would be better for Mr. Mayberry if the construction on the road extension began at the Lakeside Drive end.

After discussion, Commissioner Worthington made the following motion, which was seconded by Commissioner Bacon and passed by the following vote:

“That the Planning Commission recommends to the City Council approval of the Heritage Baptist Church’s petition to amend their existing Master Campus Plan, subject to the following conditions:



9. The property shall be developed in substantial compliance with the site plan titled “Master Plan for Heritage Baptist Church” prepared by Hurt & Proffitt dated December 28, 2005 and stamped received January 20, 2006.
10. The “Tower” and “Future Tower” identified on the master plan shall be sculpture or similar monument structures, rather than communication or broadcast towers. Design, height and size of the monuments are subject to the review of the City Planner.
11. All development associated with the construction of buildings within seven hundred (700) feet of Breezewood Drive shall be subject to the requirements of the Scenic Corridor Overlay District.
12. Final site plan approval and permitting of the interim sanctuary is not dependent on the construction of the Breezewood Drive extension provided alignment remains as indicated on the site plan dated December 28, 2005 and received January 20, 2006.
13. The construction of the future main sanctuary shall not be permitted until the Breezewood Drive extension is constructed and open.
14. All lighting associated with the development shall be glare shielded and non directional to prevent illumination across the property lines.
15. All required landscaping and buffering plants shall be a minimum of six (6) feet in height at time of planting, or shall meet such landscaping requirements as exist at the time of construction of each phase.
16. Along the property line of all adjacent residentially zoned properties north and east of existing Breezewood Drive and the proposed extension, existing trees shall be retained. If the petitioner can demonstrate that this area requires grading the petitioner shall reforest these areas with a mixture of deciduous and evergreen trees at the rate of one hundred (100) trees per acre.”

AYES:	Bacon, Barnes, Hamilton, Oglesby, Sale, Worthington	6
NOES:		0
ABSTENTIONS:		0
ABSENT:	Flint	1

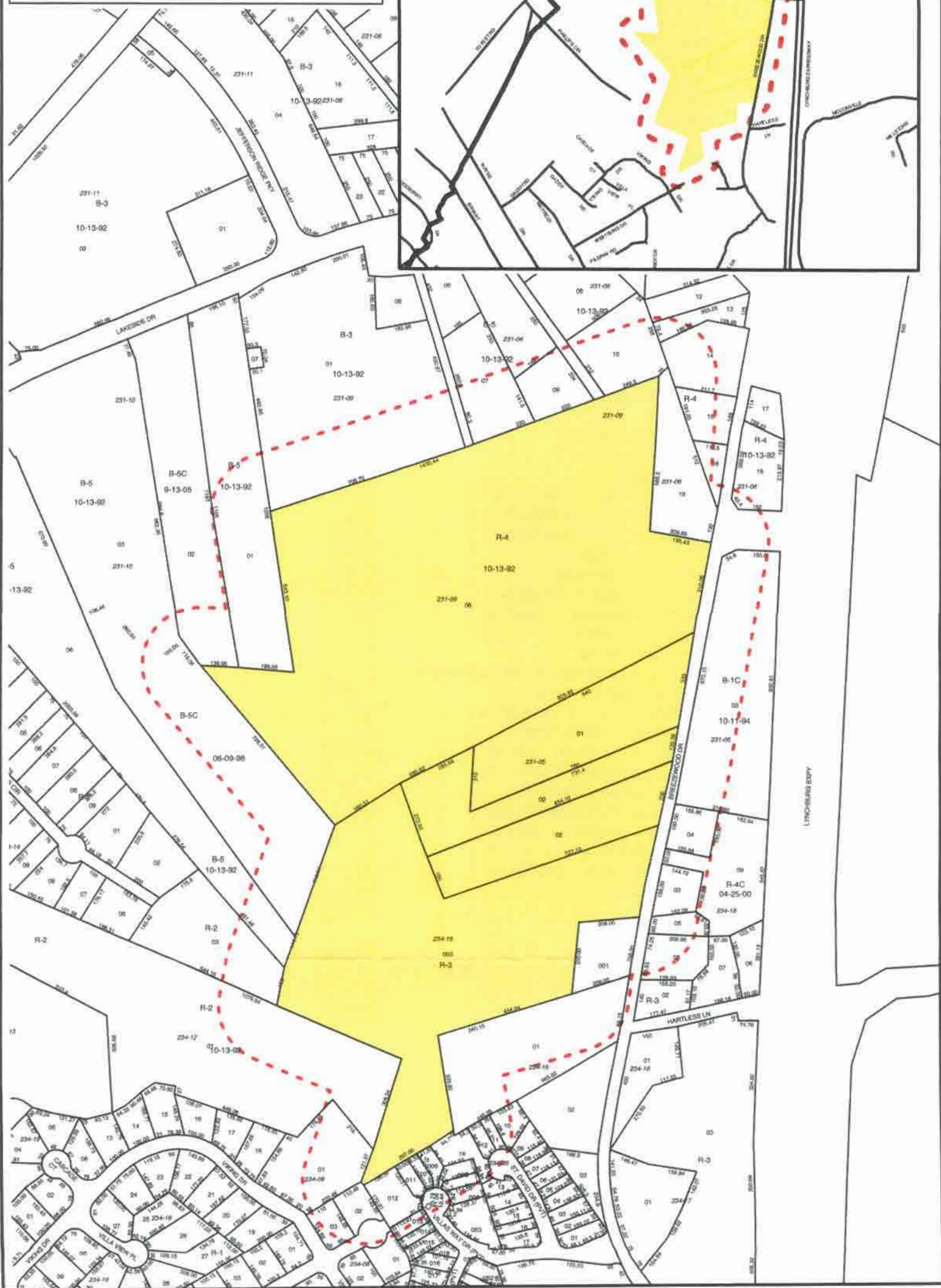
Heritage Baptist Church
201, 219 Breezewood Drive
Val. Map #'s 231-05-001/2, 231-09-006
234-15-002/3

Conditional Use Permit Request
Map Prepared by the Department of Community Planning & Development



 Subject Property
 200 ft. Buffer

Scale 1 in. = 400 ft.



LYNCHBURG COPY

HERITAGE BATIST CHURCH
201, 219 Breezewood Drive

Map #	Owner Name 1
23404009	ALVIS, FREDERICK A
23106009	B R C CO INC
23106005	B R C CO INC
23106007	B R C CO INC
23106010	B R C INC
23409001	BIANCO, GERARDO A JR & EMMA B
23105003	BLUE RIDGE DEVELOPMENT CORP
23404010	BRUNO, ANTHONY L & PAMELA J
23404007	CHEATHAM, LOUISE B
23110002	CLARION INVESTMENTS LLC
23106012	COMMONWEALTH OF VA DOT
23106013	COMMONWEALTH OF VA VDOT
23404008	DAVIDSON, JEAN F
23416001	FISHER, WATKINS T & ELAINE T
23409003	GIBBS, ELIZABETH C
23106018	HARTLESS, UEL C & HAZEL M
23418005	HARTLESS, UEL C & HAZEL M
23418004	HARTLESS, UEL C & HAZEL M
23418008	HARTLESS, UEL C & HAZEL M
23418003	HARTLESS, UEL C & HAZEL M C
23415003	HERITAGE BAPTIST CHURCH INC
23105002	HERITAGE BAPTIST CHURCH INC
23109006	HERITAGE BAPTIST CHURCH INC
23105001	HERITAGE BAPTIST CHURCH INC
23415002	HERITAGE BAPTIST CHURCH TR
23110003	JAMES R WALKER OF LYNCHBURG LLC
23418009	JMU LLC
23106015	LOVEJOY, GEORGE L &
23106014	LOVEJOY, GEORGE L &
23109001	MAPLE HILLS INC
23412001	MASON, LOUIS & MARGARET ANN
23106019	MAYBERRY, ALVIN T & BARBARA B
23106016	MAYBERRY, ALVIN T & BARBARA B
23420012	MITCHELL, JACKIE E
23414003	NICHOLS, NANCY ELLEN
23404011	PAINTER, ROBERT M & BLANCHE T
23404013	PATZSCH, GENE A & ELIZABETH C
23404006	SCHULTZ, LAWRENCE; TRUSTEES
23110006	SOUTHERN AIR INC
23110001	SOVRAN ACQUISITION LIMITED PARTNERSH
23409002	STEGER, ANDREW A & KIMBERLY J
23408001	TOMLINSON, JESSIE O & PEGGY H
23404012	VILLAS DEVELOPMENT CORP
23420018	VILLAS DEVELOPMENT CORP, LC
23420019	VILLAS DEVELOPMENT CORP, LC
23420010	WILEY, WAYNE H & DANA M
23415001	WILLIAMS, W M & CLAYTOR, VERA
23420011	WOLLETT, ROBERT H & YVONNE D
Property Owner:	HERITAGE BAPTIST CHURCH INC
Petitioner:	HERITAGE BAPTIST CHURCH INC
Representative:	Jim Vernon

Heritage Baptist Church

Legend

Future Land Use

- Community Commercial
- Downtown
- Employment 1
- Employment 2
- High Density Residential
- Institution
- Low Density Residential
- Medium Density Residential
- Neighborhood Commercial
- Office
- Public Parks
- Public Use
- Regional Commercial
- Resource Conservation
- Traditional Residential

